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**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

CHARLES POSNANSKI

v. **WILLIAM GIBNEY, et al.**

THE HONORABLE JOHN W. SEDWICK

CASE NO. CIV 02-2010 PHX (JWS)

PROCEEDINGS: **ORDER FROM CHAMBERS**

November 8, 2002

At docket 87, defendants move for an order staying the docketing of the papers transmitted to this court by the court in Wisconsin. It is not clear exactly what substantive relief may be implicated by the motion. Apparently, defendants want to move for an order of *mandamus* in the Circuit Court in Wisconsin hoping to have that court order the district court in Wisconsin to reconsider the transfer decision. It may be noted that the motion is made by counsel for defendant who practices in Phoenix, Arizona.

Assuming that making a request for *mandamus* is the underlying concern, then defendants have failed to make clear why staying the ministerial act of docketing any papers actually received by this court's clerk has any consequence. If necessary, a motion can be brought in this court asking for the papers possessed by this court, whether or not docketed, to be supplied to the Court of Appeals in Wisconsin if a petition seeking *mandamus* is filed there. (Whether such a motion would be granted would depend on this court's analysis of the motion and any opposition that might be filed.) This court is concerned that having a large volume of papers simply sitting in the clerk's office and not being processed in conformity with standard procedures creates some risk that the papers could be misplaced. The District of Arizona is one of the busiest districts in the country, and the court is reluctant to enter a novel order when it is not clear that it serves any purpose.

If the papers have not been received in Arizona, then it would seem the motion should be filed with the court in Wisconsin.

For the reasons above, the motion at docket 87 is **DENIED** without prejudice to a request for further relief should circumstances warrant the same.

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